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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DAVID CHARLES SCHUBERT,)
11)
12 Petitioner,) CASE NO. C08-660-RSL
13)
14 v.)
15)
16 KENNETH QUINN,) ORDER DENYING FEDERAL
17)
18 Respondent.) HABEAS PETITION AND
19) DISMISSING ACTION
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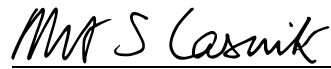
27 The Court, having reviewed petitioner's petition for writ of habeas corpus, respondent's
28 answer to the petition, the Report and Recommendation of the Honorable James P. Donohue,
29 United States Magistrate Judge, and the balance of the record, including the second page of
30 petitioner's objections to the Report and Recommendation, does hereby find and Order:

- 31 (1) The Court adopts the Report and Recommendation. The Court specifically notes
32 that Judge Donohue addressed all of the grounds on which petitioner sought relief
33 and that petitioner has not offered any facts or legal citations demonstrating that
34 the state's procedural bar was unclear, inconsistently applied, or otherwise
35 inadequate.

36 ORDER DENYING FEDERAL
HABEAS PETITION AND
DISMISSING ACTION - 1

- 1 (2) Petitioner's federal habeas petition (Dkt. # 4) is DENIED.
- 2 (3) Petitioner's motion to present newly discovered evidence (Dkt. # 25 at 110) and
- 3 petitioner's motion for release from custody (Dkt. # 25 at 152) are also DENIED.
- 4 (4) Petitioner's motion to correct typing error (Dkt. # 31) is GRANTED.
- 5 (5) This action is DISMISSED with prejudice.
- 6 (6) The Clerk is directed to send copies of this Order to petitioner, to counsel for
- 7 respondent, and to Judge Donohue.
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9 Dated this 13th day of April, 2009.

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11 Robert S. Lasnik

12 Robert S. Lasnik

13 United States District Judge

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